

PROFESSIONALISM IN CONTEXT

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INTRODUCTION

The concept of professionalism is obviously an ancient one.¹ Today there are approximately eight million people in the United States who fit the definition of professional, and about half of these are in four major fields: religion, law, medicine, and education.² Viewed in this vein, the notion of professionalism appears pervasive in both temporal and spatial ways. And indeed it is. The purpose of this paper will be to explore the idea of professionalism in four related domains. First, the meaning of professionalism will be defined. Second, the achievement of professional status will be described. Third, certain fundamental issues which prevail in any professional endeavor will be explored. And fourth, the power of professional effort will be explained.

THE MEANING OF PROFESSIONALISM

Various authorities define professionalism in slightly different ways,³ but the essence of each man's thesis is the same. Four distinguishing characteristics are evident for those persons and groups recognized as truly professional: professionals perform an essential service for their fellow man; they make special judgments which affect these other beings; they have a code of ethics; and they exercise control of their professional peers to achieve the service ends toward which they aspire. Further, there is a logic to these four characteristics which causes each succeeding one to be de-

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¹ It is said that the code of Hammurabi in 2500 B.C. was a statement of professional conduct for the physicians of that day. American Medical Association, *Opinions and Reports of the Judicial Council* at v (1960).

² Bureau of the Census, (1961) *Statistical Abstract of the United States* 215, table 287.

³ [P]rofessions involve essentially intellectual operation with large individual responsibility; they derive their raw material from science and learning; this material they work up to a practical and definite end; they possess an educationally communicable technique; they tend to self-organization; they are becoming increasingly altruistic in motivation.

Flexner, "What Are the Earmarks of a Profession?" in Smith, Stanley, Benne & Anderson, *The Social Aspects of Education* 556 (1951). See also Huggett & Stinnett, *Professional Problems of Teachers* 7-24 (2d ed. 1963); Lieberman, *Education As a Profession* (1956); McGlothlin, *Patterns of Professional Education* 211-27 (1960).

pendent upon those which go before. An elaboration of each of these ideas and their interdependence is outlined below.

Providing an Essential Service

The most obvious and most important characteristic of any profession is that it involves providing a needed service for other members of the social order. All societies, even primitive ones, have a specialization of individual function in which some members of the group engage in highly specialized activities for the satisfaction of other persons' needs. In a complex society such as ours, the need of individual members of the group for essential services by a specialized group is even more apparent and more widespread. People require someone to minister to their spiritual needs, their physical needs, and their intellectual needs. These needs are real and essential. Men must have assistance from competent persons when their appendix becomes inflamed or their life or property are placed in jeopardy, and most men simply cannot attend to these matters on their own. Social progress has been possible only because men have specialized in order to make a significant difference in whatever they attempt as a result of their specialized effort. Anyone who attempts to be competent, skillful and knowledgeable in several fields is doomed to failure today—there is too much to know.

Those persons who are truly professional, therefore, evidence as one distinguishing characteristic their effort to help satisfy other people's essential needs. Perhaps illustrations from several codes of ethics would reinforce this point. For example, the *Principles of Medical Ethics* state:

The principal objective of the medical profession is to render service to humanity with full respect for the dignity of man. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.⁴

For the educational profession, the basic service to others is outlined in the code of ethics as follows:

Members of the education profession share with the home the responsibility to aid each student to develop his endowments. Educators not only convey knowledge and stimulate a lasting spirit of inquiry, but also assist in the formulation of worthy personal goals and provide an understanding and appreciation of representative government and democratic human relations.⁵

⁴ Principles of Medical Ethics of the American Medical Association, reprinted in American Medical Association, *op. cit. supra* note 1, at 7.

⁵ National Education Association, A Basic Code of Ethics for the Education Profession 1 (1963).

And in law a similar dedication to the welfare of others is set forth:

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of members of our profession are such as to merit the approval of all just men.⁶

The importance of this service motive cannot be over-emphasized. Any consideration of professionalism ultimately refers back to the basic philosophy of the professional group. Every question of ethical or unethical conduct comes back to this focal point: professional persons provide essential services for their fellow man.

Rendering Judgments

In the process of providing an essential service, the most obvious and important behavior in which the professional engages is the making of judgments or decisions related to the welfare of the client or recipient concerned. Making decisions has at least four aspects. First, any professional person's work is always characterized by its intellectual nature. Behind every particular professional skill lies a broad intellectual and knowledge base. Second, there is an implicit assumption that making judgments can be learned, and the particular skills and concepts which underlie the task of judging can also be taught. This is the business, of course, of professional schools. Third, this intellectual base and the skills of judgment which are taught rest upon a changing and growing body of what might be called scientific or empirical knowledge. The professional never follows a dogma or tradition for its own sake, but seeks to base his practice upon the best that men now know. (The point is forcefully made in Section 3 of the *Principles of Medical Ethics*, "A physician should practice a method of healing founded on a scientific basis; and he should not voluntarily associate professionally with anyone who violates this principle.")⁷ Finally, and espe-

⁶ American Bar Association, *Canons of Professional Ethics* 1 (1957) (Preamble).

⁷ American Medical Association, *op. cit. supra* note 1, at 17. In elaborating on the meaning of this principle, the following discussion etches the matter in still sharper relief:

In order that a physician may best serve his patients he is expected to exalt the standards of his profession and to extend its sphere of usefulness. To the same end, he should not base his practice on an exclusive dogma, or a sectarian

cially important, the activities of professional persons typically is such that they render judgments which affect the welfare and even the life of the recipients of the service, and those persons being served seldom know whether the decisions made are appropriate or not. In other words, a unique characteristic of professionals is that their daily work involves the making of judgments which materially affect the very being of those whom they serve, but these persons are almost never in a position to know if the decision rendered is the best one as far as their own personal welfare is concerned.

These incidents of professional decision-making mean that, by definition, those needing the essential service present themselves before the professional practitioner in a dependent relationship; they literally do not know about the validity or appropriateness of the service involved. If an individual has an abdominal pain and his physician says that the appendix should be removed, that person has no recourse except to believe what he has been told. He can go to another physician, of course, but his dilemma remains: he must depend on some professional person's judgment or follow his own. In most cases, the possible consequences of the latter choice are too serious even to contemplate, let alone attempt. The same situation obtains in other fields, too. A young married couple decide to buy a new home and they ask their attorney to determine whether or not the title to the property is clear. The lawyer studies all the data he can find and gives them his decision. The people buying the home are completely dependent upon the attorney's judgment. They simply do not know; nor can they ever know on their own, in any practical sense, in this complex age.

The fact that professional persons constantly work in a relationship in which those whom they serve are completely dependent upon their judgment and their good will creates the need for professional ethics and a strong statement or ethical code.

The Purpose of a Code of Ethics

To assure the general public for whom service is performed that professional practice will always be in keeping with high ideals, professional groups devise statements of ethical codes. The necessity for such ethical codes arises because of the very nature of the

system, for 'sects are implacable despots; to accept their thralldom is to take away all liberty from one's action and thought.' A sectarian or cultist as applied to medicine is one who alleges to follow or in his practice follows a dogma, tenet or principle based on the authority of its promulgator to the exclusion of demonstration and scientific experience. All voluntary associated activities with cultists are unethical.

Ibid.

professional role as it has been previously described. That is, in the process of rendering judgments to perform essential services for their fellow men, professional practitioners repeatedly find their clients or patients or students or parishioners in a dependent relationship to them. To prevent the exploitation of this relationship and of the persons who find themselves in this dependent role, the professional needs a bench mark against which to gauge his own behavior. The purpose of any code of ethics is to outline in general terms the purposes of the profession and the procedures for achieving those goals.

Ethical codes are invariably general rather than specific in form; almost always brief but comprehensive in nature. The *Principles of Medical Ethics*, for instance, comprise little more than 500 words in all. These ten short statements and their preamble, however, constitute an effective core of understanding which allows physicians to rise to ever higher levels of professional behavior:

These principles are intended to serve the physician as a guide to ethical conduct as he strives to accomplish his prime purpose of serving the common good and improving the health of mankind. . . . They are not immutable laws to govern the physician, for the ethical practitioner needs no such laws; rather they are standards by which he may determine the propriety of his own conduct.⁸

For lawyers the same is true:

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.⁹

In essence, codes of professional ethics are important reminders of the major purposes of the professional group. Any study of professional codes of ethics repeatedly reinforces the fact that the basic purpose of the professional group is to serve other's needs.¹⁰ They

⁸ American Medical Association, *Principles of Medical Ethics* (1955), quoted in American Medical Association, *op. cit. supra* note 1, at 1.

⁹ American Bar Association, *op. cit. supra* note 6, at 1.

¹⁰ The following selections illustrate the professional consensus behind this thesis. "The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done." American Bar Association, *op. cit. supra* note 6, at 3 (Canon 5). "The lawyer should refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by his client." *Id.* at 10 (Canon 11). "A physician may patent surgical instruments, appliances, and medicines or copyright publications, methods, and procedures. The use of

also stress the integrity required of practitioners who must constantly work with other persons who find themselves always in a dependent relationship with the professional involved. Finally, a code also permits a professional group to set for itself an idealized set of objectives and goals. Statements of ideals are important because they give both direction and force to the efforts of professionals who are constantly reminded to seek to transcend their personal limitations in their efforts to be of help to other men. Within this frame of reference the need for organization and professional control of members is born.

Organization and Professional Control

The ultimate characteristic of any truly professional group is apparent in the extent to which its members have organized themselves to achieve their professed service-to-others goal. Some organizations, for example, labor unions, work to further their members' personal goals, but groups which are truly professional use organization as a means of insuring the realization of the service motive.¹¹ Through organization, professional groups bring the full impact of their membership to bear upon one another in such a way that an internal control assures the recipient of the essential service that the highest standard of professional behavior possible is being brought to bear on his personal need.

Those groups which are most truly professional have organized themselves in such a way that they both can and do exercise substantial control over the professional activity of their members. And this control is always exercised in such a way that the rights and privileges of the professional persons are placed in a position subservient to those of the general public whom they serve.

Using a code of ethics as a bench mark and guide, professional organizations establish written procedures and appellate means to

such patents or copyrights or the receipt of remuneration from them which retards or inhibits research or restricts the benefits derivable therefrom is unethical." American Medical Association, *Principles of Medical Ethics* (1955), quoted in American Medical Association, *op. cit. supra* note 1, at 13. "In exercising his obligation to the student and his home, a member of the profession avoids exploiting his professional relationship with any student who is or may be under his tutelage for the purpose of personal profit, self-aggrandizement, or personal convenience." National Educational Association, *supra* note 5, at 1.

¹¹ It is not suggested that these two goals are completely mutually exclusive, but that the nature of the organization is found in the order of precedence established between these two desiderata. To some extent, service to others is a muted form of service to the group: "The public expects ethical practice and conduct from professional men, and it is angered by violations of standards which it assumes ordinarily control practice. Each violation diminishes trust. Without trust, a profession would perish." McGlothlin, *op. cit. supra* note 3, at 211.

give substance and form to the concept of internal self-control.¹² The procedure is meaningful, however, only when its results are tested in actual practice. Do professional organizations impose a discipline upon their membership? Are some persons denied admission to or ejected from the professional group by the members of the profession themselves? Is the ultimate test in every case the welfare of the person for whom the service is supposedly being performed? Unless the answers to these questions are positive, no truly professional status can ever exist. For most professional groups membership in the organization is not required, but adherence to the ethical code invariably is.

Summary

Professionals work to serve other's essential needs. In the process of performing these services, professional persons continuously make judgments which are such that the recipient of the service is almost invariably placed in a dependent role. To assure the highest possible type of service and the avoidance of exploitation of the public in their dependent role, professional groups set forth ethical codes as general guides for the conduct of their members. To insure that those codes are followed, these groups organize to exercise a discipline over their own membership.

ACHIEVING PROFESSIONAL STATUS

Achieving a truly professional status is probably a never-quite-realized goal. Professional groups continuously evolve new and better ways of preparing to serve as well as serving the general

¹² Section 4 of the Principles of Medical Ethics:

The medical profession should safeguard the public and itself against physicians deficient in moral character or professional competence. Physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

American Medical Association, *op. cit. supra* note 1, at 23.

The concept is almost exactly the same for the legal profession:

Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

American Bar Association, *op. cit. supra* note 6, at 26 (Canon 29).

public's needs. Bursts of professional activity have accounted for dramatic changes in short periods of time in the past. For example, after the Flexner report,¹³ medical education altered the requirements for admission to medical schools drastically through an accrediting body, and medicine, as well as medical education, has made phenomenal strides in the half century since. The striped barber pole is only a silent reminder now that persons other than surgeons used to operate, too. Despite such dramatic examples, progress in such areas is generally slow, but fairly sure. The movement in medicine, law, and other fields toward achieving full professional status involves essentially two things: defining the process and defining the group. The label which describes any profession alludes to both the process and the group. "Going into law" means both learning the legal process and entering the legal group. Achieving professional status involves defining this phenomenon precisely and then using the definition to serve the public need. One way to visualize the problem is by drawing two overlapping circles: one circle defines the professional act and the other the professional group.

Defining the Professional Act

Professional practitioners do not attempt to do all things for all men. They are highly specialized. They restrict their efforts to those tasks which are uniquely theirs to perform. In effect, the process of defining the professional act involves an effort to delineate what is and what is not within the professional's sphere. Those who are most truly professional have found a way to separate professional from non-professional behavior in such a way that they are able to draw a line around their activities and concentrate upon those functions which are uniquely theirs to perform. In doing this, they seek to circumscribe and focus what they do so their professional behavior will make a significant difference in the lives and minds of those they serve.

Including certain activities within the first professional circle means that those activities contribute directly to the attainment of appropriate professional ends. Excluding certain activities from the circle means that those behaviors either contribute only indirectly or actually negate the attainment of the appropriate professional ends. For instance, is it professional behavior for a teacher to punish a child? Imagine a situation in which a high school student in English is directed by his teacher to stop chewing gum. The

¹³ Flexner, *Medical Education in the United States and Canada* (1910). Flexner's report to the Carnegie Foundation for the Advancement of Teaching (Bulletin number 4) disclosed the then-prevalent standards—or lack of standards—in medical education.

student refuses to comply and the teacher then sends the student to the principal, who punishes him. Was the teacher behaving professionally? If we ask whether what the teacher did contributed directly to the attainment of educational objectives, the answer is no. Telling a student to stop chewing gum has nothing whatsoever to do with helping him learn. Such behavior may be designed to enable the teacher to maintain his authority, or his self-esteem, but it is only indirectly related—and probably negates—the actual attainment of the educational ends desired.

The point is, anything and everything which a professional practitioner does should contribute directly to the attainment of the appropriate professional end. Drawing a circle around the professional act enables the practitioner to differentiate what he ought to do from the myriad of activities in which he could possibly engage. And if the question is always asked "Does this contribute directly to the attainment of appropriate professional ends?" then the differentiation which occurs has both meaning and power for those who serve.

In making this distinction it is also important to note that there are several other bases on which one might distinguish these activities. A hypothetical walk through a hospital corridor would illustrate the point. In any hospital setting, somebody has to administer drug therapy, somebody has to prepare the appropriate meals and analyze blood samples and change the linen—but these are not the physician's role. Trying to distinguish what is professional from what is not on the basis of what is essential is of no help. Each of the tasks described above absolutely has to be done. Specialization can take many forms, and in the illustration cited here we see the interrelationship of several professional groups, each attending to its own special sphere of activities in order to achieve an ultimate goal—the highest quality of patient treatment and care.

Defining the Professional Group

Once those who are most concerned have defined what should be the nature of the professional act, they then have the responsibility of drawing a second circle around the group itself. Only those persons should be permitted to remain within the professional frame whose behavior falls within the first circle just described. Anything and everything that a professional does should contribute directly to the attainment of the professional objectives and goals. To that end, those groups which are truly professional organize themselves in such a way that they deny admission to or actually eject from their membership those persons whose behavior does not fit the ethical frame. Further, they make every positive effort to attract into and

to retain those whose actions do fall within the first circle outlined before.

In other words, achieving professional status involves not only clarifying what is and what is not reasonable and appropriate and effective professional behavior according to an ethical code, but it also includes a self-defining organization of those who are most immediately involved, which then exercises control over its membership to see to it that professional aims are served. Elaborate and detailed procedures for both admission to and ejection from the group characterize all organizations which have achieved true professional status.

BASIC ISSUES IN PROFESSIONALISM

Two basic issues are inherent in the concept of professionalism. Since both have been referred to in this paper before, only a brief description of each will be undertaken here. The purpose at this point is to call attention to these problems and to underscore the need for thoughtful consideration of each. One issue relates to purposes and the other to control of professions.

Conflict of Purpose

The word "professional" conveys two distinctly different—in fact, antithetical—meanings. On the one hand it means "pertaining to a profession, or characteristic of and conforming to the standards of a profession." On the other hand, it also means "engaging for livelihood or gain in an activity pursued, usually or often, for non-commercial satisfaction by amateurs." One meaning is permeated with the notion of altruism and the other reflects a concern for personal gain. The dichotomy is more than verbal; it represents a basic dilemma of professionalism. Professions are altruistic and, supposedly, the basic purpose which professionals pursue is public good rather than private gain. But because professional people deal with such important and delicate matters, society has seen to it that some of these groups are especially well rewarded for the service they provide. This tends to encourage many to enter fields like medicine and law, in order to improve their own potential for personal gain. This fact, plus the concept of public dependence upon the professional's judgment, makes the issue of precedence of values very real. Theoretically the answer is clear: a professional person is altruistic in that he sees his major purpose as one of helping others satisfy their own essential needs. Actually, the opportunity to exploit occurs so often and in such an easy form that many succumb and work to satisfy their own rather than their clients' or patients' or students' needs.

There is a continuing need to bring the fact closer to the theory. Whenever a professional person acts to further his personal objectives in derogation of the public welfare he is behaving unethically.¹⁴ In addition, he is diminishing the reservoir of public confidence in his profession. Anything which diminishes the confidence of the person being served impedes every professional's effort to render the highest quality of professional aid. For example, physicians are not denied the right to talk about other physicians in negative ways in order to run a closed shop; the reason is more profound than that. Unless the patient trusts and believes in physicians, he is at least in part unable to benefit from the services they provide.¹⁵ No less is required than that every professional act relate directly to the basic social purpose to be served and that professionals, as well as professions, be altruistic.

External or Internal Control

Professional groups discipline their own membership and force compliance with an ethical code. The American Medical Association's Judicial Council¹⁶ urges that each county medical society is charged with the responsibility of exercising control over its constituent members. "The Council has emphasized the autonomy of

¹⁴ For physicians the issue is defined in part by the concept underlying the following precepts. "Any physician who obtains a patent and uses it for his own aggrandizement or financial interest to the detriment of the profession or the public is acting unethically." American Medical Association *op. cit. supra* note 1, at 15. "Solicitation of patients, directly or indirectly, by a physician, by groups of physicians or by institutions or organizations is unethical." *Id.* at 27. "When patients are referred by one physician to another, it is unethical for either physician to offer or to receive any inducement other than the quality of professional services. Included among unethical inducements are split fees, rebates, 'kickbacks,' discounts, loans, favors, gifts, and emoluments with or without the knowledge of the patient. Fee splitting violates the patient's trust that his physician will not exploit his dependence upon him and invites physicians to place the desire for profit above the opportunity to render appropriate medical service." American Medical Association, *Principles of Medical Ethics* (1955), reprinted *id.* at 51.

For teachers the matter is described this way: "In exercising his obligation to professional employment, a member of the education profession accepts no compensation, gratuities, or gifts of significance from unauthorized sources that conceivably might influence his judgment in the exercise of his professional duties." National Education Association, *A Basic Code of Ethics for the Education Profession* 3 (1963).

¹⁵ "When a physician does succeed another physician in charge of a case he should not disparage, by comment or insinuation, the one who preceded him. Such comment or insinuation tends to lower the confidence of the patient in the medical profession and so reacts against the patient, the profession and the critic." American Medical Association, *Principles of Medical Ethics* (1955), reprinted in American Medical Association, *op. cit. supra* note 1, at 8.

¹⁶ The Rules of the Judicial Council are published in American Medical Association, *op. cit. supra* note 1, at 79.

the county society and the fact that such autonomy imposes responsibilities. If medical societies fail to accept and discharge their obligations in matters of ethics, others will assume these obligations by default."¹⁷ This action connotes a clear commitment to control by the profession itself—internal control. In another profession, education, the problem of maintaining internal control has never been satisfactorily resolved. Partly because of its public nature and dependence upon tax funds, partly because of its size, and partly because of its tradition of limited professional preparation, the code of ethics for educators has never been implemented to the point that satisfactory internal control exists.

In education the legal "line of authority" which runs from the state government through the state department of education to the local school board, on to the superintendent, then to the principal, and finally to the classroom teacher makes it most difficult for educators to work effectively together as professional peers. When problems involving a violation of professional ethics occur, there is a tendency to equate legal authority with professional competence. Those who are higher tend to make judgments regarding the competence and ethical behavior of those who are lower on the hierarchical scale, and thus the problem is born. Even though the National Education Association has an Ethics Committee, it has no power to expel members or exercise any influence other than to make recommendations regarding unethical or unprofessional behavior. Even the American Association of University Professors has been more concerned about providing support for persons whom it feels to have been wronged by administrators or boards of trustees than it has been with entering the arena of internal self-discipline and professional control. There appears to be a movement in the educational field to come to the point of such professional control, but that state of affairs most assuredly does not exist now. That it does not serves to remind that internal control is not a functional *sine qua non* of the professions.

The problem of external and internal control is important because only through control exercised in accordance with reasonable standards can any group effect a maximum power to achieve its professional goals. Without effective internal control for the achievement of the social goals of the profession others can, if not assuredly will, "assume these obligations by default."

¹⁷ American Medical Association, Reports and Opinions of the Judicial Council (1958), quoted in American Medical Association, *op. cit. supra* note 1, at 24.

THE POWER OF PROFESSIONALISM

Implicit in the discussion of professionalism thus far has been the notion that by clarifying basic purposes, defining professional behavior explicitly, and by organizing to effect internal control, the net result would be improved professional service. That point should be made explicit here and now. The only legitimate reason for seeking truly professional status, in fact, is that practitioners can thus be more effective in their relations with those they serve than they would otherwise be. Professionalism must increase the practitioner's power to serve the needs of others or it is not professionalism at all.

Professionalism enables practitioners to magnify their efforts. By circumscribing their activities and limiting their associations, professionals are able to develop highly refined ways of behaving which enable them to make a significant difference in their relations with the persons they serve. They recognize, intuitively or otherwise, that the ultimate assistance they can afford their fellow man can only be realized if they impose behavioral limitations upon themselves and upon their peers. Because the major professional requisite is intelligence and the outstanding professional skill is decision-making which affects the well-being of other men, truly professional persons seek to give focus to their energy in order to accomplish the greatest good in the shortest possible time. They use themselves as superbly human and supremely sensitive processors of data, collating and synthesizing and creating knowledge and wisdom and skill. The power which professionals have is awesome and wonderful indeed—when they work to serve their fellow man.